

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL BERRY,

Plaintiff,

VS.

KIOR, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. H-13-2443

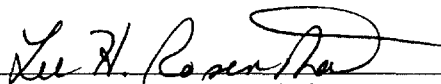
**ORDER STAYING THE CLAIMS AGAINST DEFENDANT KIOR, INC., SEVERING
THE CLAIMS AGAINST DEFENDANTS FRED CANNON AND JOHN KARNES, AND
ADMINISTRATIVELY CLOSING THE SEVERED CASE AGAINST KIOR**

Counsel for the Lead Plaintiffs and Defendants filed a Joint Motion to Stay the Case Against Defendant KiOr, Inc. and Sever Claims Against Non-Debtor Defendants Fred Cannon and John Karnes. (Docket Entry No. 83). For the reasons discussed on the record at the court's recent status conferences, (Docket Entry Nos. 81, 82) and based on KiOr's pending bankruptcy proceeding, the court grants the motion to stay the claims against KiOr and to sever the plaintiffs' claims against the individual defendants, Fred Cannon and John Karnes. (Docket Entry No. 83). The other pending motions, (Docket Entry Nos. 41, 55, 56, 70), are denied as moot, without prejudice to reassertion if appropriate after the case is reinstated to the active docket.

The claims against defendant KiOr, Inc. are stayed until the U.S. Bankruptcy Court presiding over KiOr's bankruptcy proceeding lifts the automatic stay or a party obtains relief from the automatic stay. The claims against defendants Fred Cannon and John Karnes are severed from the claims against KiOr, and the Clerk of the Court is directed to open a new civil action under which the Lead Plaintiffs' severed claims against these individual defendants will proceed. The civil action with the severed claims against KiOR is administratively closed pending the lifting of the stay. It

may be reinstated to the active docket if any party files a motion to do so within 14 days after the bankruptcy court's stay is lifted. The deadlines in the December 16, 2014 minute entry, (Docket Entry No. 82), remain in effect for the new civil action against the individual defendants.

SIGNED on January 5, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge